

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOHN GAGLIARDI, SOON-RYE)	
VANGELDER,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 06-20
)	
)	
RICHARD CLARK, BOROUGH MGR.;)	
BOROUGH OF JEFFERSON HILLS, a)	
municipal corporation; BOROUGH OF)	
JEFFERSON HILLS SEWER)	
AUTHORITY; PENNSYLVANIA)	
AMERICAN WATER COMPANY, a)	
Pennsylvania business corporation; all)	
parties sued in both their official and private)	
capacities,)	
Defendants.)	

ORDER

On September 28, 2006, the court issued a memorandum opinion (Doc. No. 32) (the “September 28, 2006 Opinion”) granting defendants’ motions to dismiss and dismissing some of plaintiffs’ claims with prejudice and others without prejudice to plaintiffs’ right to amend their complaint within thirty (30) days to have claims that were dismissed without prejudice resolved so long as plaintiffs could meet the standards of Rule 8 of the Federal Rules of Civil Procedure and allege facts sufficient to outline the elements of their claims or to permit inferences to be drawn that these elements exist. In the September 28, 2006 Opinion, the court reminded plaintiffs that plaintiffs may not rely upon mere bald assertions or legal conclusions.

After an additional thirty-day extension granted by the court, plaintiffs filed “Plaintiff’s First Amended Complaint and Motion to Add Additional Parties” (Doc. No. 37) (“plaintiffs’

filing”) which plaintiffs purport to be a first amended complaint. (Doc. No. 37). In essence, however, plaintiffs’ filing does not seek to amend any of the claims asserted in the original complaint, but rather is a new complaint alleging a new claim and seeking to add new parties. For example, plaintiffs’ filing asserts only a civil RICO claim pursuant to the Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. 1961, et seq. Plaintiffs’ filing also seeks to add numerous new parties to the above-captioned civil action. Plaintiffs’ filing does not address the claims identified in the September 28, 2006 Opinion. Plaintiffs, therefore, have not filed an amended complaint that cures deficiencies identified in the court’s September 28, 2006 Opinion.

In light of plaintiffs’ failure to make curative amendments with respect to plaintiffs’ claims which previously were dismissed without prejudice, **IT IS HEREBY ORDERED** that plaintiffs’ purported first amended complaint (Doc. No. 37) is **DISMISSED WITHOUT PREJUDICE** to plaintiffs’ rights to institute a new civil action by filing a new complaint alleging the new claims. **IT IS FURTHER ORDERED** that plaintiffs’ motion to add additional parties is **DENIED AS MOOT**.

IT IS FURTHER ORDERED that the Clerk shall mark this case closed.

By the court:

/s/ Joy Flowers Conti
Joy Flowers Conti
United States District Judge

Dated: November 14th, 2006

cc: Counsel of Record